

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |                   |
|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, | ) |                   |
|                           | ) |                   |
| Plaintiff,                | ) | 4:06CR3027-1      |
|                           | ) |                   |
| v.                        | ) |                   |
|                           | ) |                   |
| JAIME LAMON ESQUIVEL,     | ) | <b>MEMORANDUM</b> |
|                           | ) | <b>AND ORDER</b>  |
| Defendant.                | ) |                   |

On February 18, 2009, the defendant filed a § 2255 motion (filing [190](#)) that contained no supporting facts. On February 18, 2009, the defendant also represented that he would later send a memorandum “setting forth the grounds for relief” and he asked that this matter be held in abeyance. (Filing [190](#)-2.) Having received nothing after more than two weeks had passed, and on March 11, 2009, I directed that the defendant’s memorandum be *filed* immediately and no later than March 26, 2009. (Filing [191](#).) The defendant has not done so.

I now dismiss the defendant’s § 2255 motion with prejudice for failure to comply with my order. Separately, I also dismiss the motion as it is insufficient since it contains only conclusions. *See, e.g., United States v. Regenos*, 405 F.3d 691, 694 (8<sup>th</sup> Cir. 2005) (A § 2255 motion may be denied without a hearing where, among other things, the allegations cannot be accepted as true because they are conclusions rather than statements of fact).

IT IS ORDERED that the § 2255 motion (filing [190](#)) is dismissed with prejudice. A separate judgment will be issued.

DATED this 27<sup>th</sup> day of March, 2009.

BY THE COURT:

*s/Richard G. Kopf*  
United States District Judge